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IN THE HIGH COURT OF JUDICATURE AT BOMBAY

ORDINARY ORIGINAL CIVIL JURISDICTION

WRIT PETITION (LODGING) NO.2744 OF 2005

Hari Datt Sharma ... Petitioner

Vs.

Union of India & Ors. ... Respondents

Mr. A.D. Shetty for the petitioner.

Ms. S.V. Bharucha with Mr. N.D. Sharma for respondents 1 and 2.

Mr. Suresh Kumar for respondents 3, 4 and 5.

Mr. D.F. Lambey for respondent 6.

CORAM: SMT. RANJANA DESAI &
ABHAY S. OKA, JJ.

DATED: 13TH DECEMBER 2005.

P.C.:-

1. The petitioner is charged for the offences under the Prevention of Corruption Act, 1988 (hereinafter referred to as "the said Act") and is being tried for the same in Special Case No.39 of 2003 pending in the Special Court, Mumbai. Admittedly, the charge sheet is filed in the said case on 30/6/2003.

2. In this petition, the petitioner has challenged the sanction orders dated 27/5/2003, 9/6/2003 and 17/6/2003 issued by the Ministry of Labour, Government of India, New Delhi.

3. We have heard the learned counsel for the petitioner.

The leaned counsel for the petitioner placed reliance on the judgments of the Supreme Court in **Mansukhlal Vithaldas Chauhan v. State of Gujarat, AIR 1997 SC 3400** and in **State of Haryana & Ors. v. Ch. Bhajan Lal & Ors., AIR 1992 SC 604**. He contended that this is a case where there is absolutely no evidence against the petitioner and, hence, sanction to prosecute the petitioner could not have been granted. He further submitted that the sanction is granted by the authority which is not competent to grant the sanction.

4. Since the charge sheet is filed, we are unable to entertain this petition. The petitioner can raise all contentions which he has raised in this petition before the Special Court. The present petition, therefore, deserves to be rejected and is rejected as such. However, we wish to make it clear that we have not expressed any opinion on the contentions which are raised by the petitioner in this petition.

5. At this stage, the learned counsel for the petitioner prays that trial may be stayed. We are unable to do so. In **Satya Narayan Sharma v. State of Rajasthan, 2002 SCC (Cri.) 39**, the Supreme Court has voiced a note of caution. It has observed that in case of the Prevention of Corruption Act, 1988, there can be no stay of trials. The Supreme Court has further held that even if the petition under section 482 of the Criminal Procedure Code

is entertained, there can be no stay of trials. In view of this, prayer for stay is rejected.

6. All concerned to act on the authenticated copy of this order.

(SMT. RANJANA DESAI, J.)

(ABHAY S. OKA, J.)